REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-8, 23, 24 and 30. Claims 1 and 23 are amended herein. No new matter is presented. Thus, claims 1-8, 23, 24 and 30 are pending and under consideration. The rejections are traversed below.

REQUEST FOR AN EXAMINER INTERVIEW:

On page 24 of the outstanding Office Action, the Examiner extended an offer to schedule an Examiner Interview to discuss the present invention. Applicants respectfully request that the Examiner contact Ms. Temnit Afework of Staas & Halsey at 202-434-1500 to arrange an Examiner Interview before the Examiner acts on this Amendment.

REJECTION UNDER 35 U.S.C. § 101:

Claims 1-8, 23, 24 and 30 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1 and 23 are amended herein.

On pages 5 and 6 of the outstanding Office Action, the Examiner indicated that claims 24 and 30 do not fall within the technological art, and should be implemented via a device, such as a computer system, a database, etc.

The issue of whether the recent case of Ex parte Lundgren, the issues for consideration by the Board of Patent Appeals and Interferences (BPAI) were: (1) whether the invention as a whole is in the technological arts; and (2) assuming that the invention is in the technological arts, whether the claim transferring compensation to a manager is a practical application (see, Ex parte Lundgren, Appeal No. 2003-2088 at page 3). The BPAI held that "there is currently no judicially recognized separate technological arts test to determine patent eligible subject matter under § 101" (Ex parte Lundgren, Appeal No. 2003-2088 at page 6). On pages 4 and 5 of Ex parte Lundgren, the BPAI specifically overruled the Examiner's requirement that the claim recite use of a computer. The Examiner's requirement that the claims recite operations by a computer system are respectfully traversed.

The BPAI also specifically rejected the Examiner's finding of "technological arts" test in In re Musgrave, 431 F.2d 882, 167 U.S.P.Q. 280 (CCPA 1970); In reToma, 575 F.2d 872, 197 U.S.P.Q. 852 (CCPA 1978); and Ex parte Bowman, 61 U.S.P.Q.2d 1669 (Bd. Pat. App. & Int. 2001)(non-precedential), and indicated that there is no support for the Examiner's separate "technological arts" test (Ex parte Lundgren, Appeal No. 2003-2088 at pages 6 and 7).

In light of the above, the Applicants respectfully request that the Examiner reconsider the rejection of claims 24 and 30 under 35 U.S.C. § 101.

Applicants also request withdrawal of the rejection of claims 1-8 and 23.

REJECTION UNDER 35 U.S.C. § 112¶2:

Claims 1-8 and claim 23 were rejected under 35 U.S.C. § 112¶2. Independent claims 1 and 23 are amended herein (claims 2-8 depend from claim 1).

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(b):

Claims 1-8, 24 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,026,370 (Jermyn).

Jermyn customizes mailed purchase incentives for selected consumer households based on a detailed purchasing history of the consumers. Jermyn selects consumer households that have purchased products falling within defined product categories and selects a product category and theme for promotion (see, col. 2, lines 15-17 and lines 45-46). For example, "healthy diet selections" is selected as a product category based on purchasing history of a consumer to promote products that meet that category to the customer (see, col. 6, lines 59-61). That is, Jermyn is limited to selecting a product category or theme based on purchase history of a customer and directly marketing products that within the selected category or theme to the customer.

The present invention is directed to selecting an introduction sentence from a customer's purchasing trend such that the introduction sentence, to which the customer is familiar with or desires more information for, is included with promotion presented to the customer (see, FIG. 5 and corresponding text). For example, as illustrated in FIGS. 4A and 4B, one or more introduction sentences are determined from view points of the customer's purchasing trend 52 that is derived from product types and trend items of the customer based on the product type conversion table 4b and the product rank conversion table 4c. That is, the present invention introduces a product to a particular customer based on a viewpoint of the customer's purchasing trend. As such, the present invention increases the interest level of the particular customer with respect to a given product.

Independent claim 1, by way of example, recites that the present invention "individually fits a product description to the transaction tendencies of each of the target customers by

selecting a product description", where the individually fitted product descriptions are used to "individually inform the target customers of the particular promoting product" and "the same particular promotion product is promoted to the target customers using the different customer-specific product descriptions." Independent claims 23, 24 and 30 also recite that target customers receive customized or "different" description of the particular product or a commodity.

It is submitted that the independent claims are patentable over Jermyn.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Jermyn. The dependent claims are also independently patentable. For example, as recited in claim 3, the present invention "determines at least one transaction tendency of the target customer by converting at least one product type listed in the transaction history of the target customer by using the product type conversion table." Jermyn does not teach or suggest these features of claim 3.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-8, 24 and 30 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,649,114 (Deaton) and Jermyn.

Deaton prepares lists of customers to be marketed to and tailors the incentives to be offered to the customers. To do so, Deaton generates coupons as soon as a customer buys something at a point of sale (POS) to reward a high volume shopper, or generates and mails coupons to customers based on a marketing list (see, FIG. 17 and corresponding text).

Independent claim 24 recites, "custom fitting a commodity description a commodity description to the transaction tendencies of the target customer by selecting, from among a plurality of commodity descriptions, the commodity description having content that corresponds to the transaction tendencies of the target customer" (claims 1 and 30 also recite similar features).

Deaton and Jermyn, alone or in combination, do not teach or suggest use of different "description" to selectively target customers, as recited in claims 1, 24 and 30.

For at least the above-mentioned reasons, claims depending from claims 1, 24 and 30 are also patentably distinguishable over Deaton and Jermyn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12/6/15

By: _____

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